PTO/38/21 (0 Approved for use through 07/31/2006. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Inder the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. Application Number 10/823,951 TRANSMITTAL Filing Date April 13, 2004 **FORM** First Named Inventor Frank W. Daly, Jr. Art Unit 2857 (to be used for all correspondence after initial filing) **Examiner Name** Anthony Gutierrez Attorney Docket Number 18 543-99-036 CIP Total Number of Pages in This Submission **ENCLOSURES** (Check all that apply) After Allowance communication Fee Transmittal Form Drawing(s) to Technology Center (TC) Appeal Communication to Board Licensing-related Papers Fee Attached of Appeals and Interferences Appeal Communication to TC X Amendment/Reply (Appeal Notice, Brief, Reply Brief) Petition to Convert to a Proprietary Information After Final Provisional Application Power of Attorney, Revocation Status Letter Affidavits/declaration(s) Change of Correspondence Address Other Endosure(s) (please Terminal Disclaimer Extension of Time Request Identify below): Request for Refund Express Abandonment Request 2 Return Receipt Postcards CD, Number of CD(s) Information Disclosure Statement Certified Copy of Priority Document(s) Response to Missing Parts/ Remarks Incomplete Application Response to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm Charles J. Rupnick (Reg. No.: 43,068) Individual name Signaturo Date August 17, 2005 GERTIFICATE OF TRANSMISSION/MAILING I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below Typed or printed name Charles J. Rupnick August 17, 2005 Signature

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

25 Serial No.

10/823,951

Confirmation No.:

5451

Inventor

Frank W. Daly, Jr.

Filed

April 13, 2400

TC/A.U.

2857

Examiner

Anthony Gutierrez

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Docket No.

543-99-036 CIP

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35 Commissioner for Patents

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Amendment Under 37 CFR § 1.116

Sir:

This response is being filed within two (2) months of the mailing of the Office Action dated June 17, 2005.

In response to the Office Action dated June 17, 2005, please amend the above-identified application as follows:

Amendments to the Claims begin on page 2 of this paper.

45 **Remarks/Arguments** begin on page 11 of this paper.